

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of	Received)	EXPEDITED PROCEDURE
Niro Nakamichi et al.	JUN 15 1999)	pursuant to 37 CFR § 1.116
Serial No.: 08/760,706	Group 2700)	Group Art Unit: 2754
Filed: December 5, 1996)	Examiner: A. Cao
For: DISK PLAYBACK DEVICE)	Attorney Docket No. M1653-109 (4076.73577)

HL 26

PETITION FOR EXTENSION OF TIME AND REQUEST FOR RECONSIDERATION

Assistant Commissioner for Patents
Box AF
Washington, D.C. 20231

Sir:

PETITION FOR EXTENSION OF TIME

Applicants respectfully request a one-month (1) extension of time for responding to the Official Action mailed January 5, 1999 in the above-captioned application. Accordingly, it is requested that an extension of time until May 5, 1999 be granted in this application. A check in the amount of \$110 is attached to cover the extension fee. In the event any variance exists between the amount enclosed and the Patent Office charges, please charge or credit Deposit Account No. 19-0733.

REQUEST FOR RECONSIDERATION

Applicants respectfully request reconsideration of the final Office Action mailed January 5, 1999. Claims 2, 3, 5-7, 10-26, 28-43, and 45-154 remain pending.

In the action, the reissue declaration has been rejected for failing to specify the errors relied upon as required by 37 CFR § 1.175(a)(5). Further, all the pending claims have been

rejected under 35 USC § 251 as being based upon a defective reissue declaration. Applicants respectfully traverse this rejection.

The rejection of the declaration in the Action is misplaced, as 37 CFR § 1.175(a)(5) was deleted from the Code of Federal Regulations in December of 1997, and the requirement to specify errors with particularity has been eliminated. Applicants submit that the last executed reissue declaration received by the U.S.P.T.O. mailroom on February 29, 1996 (paper no. 8) in the parent (serial no. 08/250,667) of the instant reissue application complies with the requirements of 37 CFR § 1.175(a), and respectfully request reconsideration of this declaration. A copy of this declaration is enclosed for the Examiner's convenience.

For convenience, applicants will identify how the declaration satisfies the requirements of 37 CFR § 1.175(a):

- 1) Section 1.175(a)(1) is met by the statement in the declaration on page 2, lines 12-14, and the errors described with respect to original claims 1-9 found throughout the declaration.
- 2) Section 1.175(a)(2) is satisfied by applicants' statement in the declaration at page 30, lines 15 and 16.

Since other errors have been corrected by amendments filed since the execution and filing of the above-discussed declaration (February 1996), a supplemental declaration is required pursuant to 37 CFR § 1.175(b)(1). Accordingly, applicants are concurrently submitting a Supplemental Declaration to supplement the Reissue Declaration executed February 22, 1996 and received by the U.S.P.T.O. mailroom on February 29, 1996. Pursuant to 37 CFR § 1.175(c), since at least one error stated in the reissue declaration previously filed is being corrected, the Supplemental Declaration needs not and does not specifically identify any other error being corrected. In view of the above, applicants believed that the declaration of February 1996 and the Supplemental Declaration comply with the requirements of 37 CFR § 1.175, and accordingly the claims comply with 35 USC § 251. In light of the foregoing, withdrawal of the rejection to the reissue declaration and the claims is respectfully requested.

Reissue application - serial no. 08/760,706

The action also indicated that the reissue application was filed without the offer to surrender the original patent. On the contrary, an Offer to Surrender was filed by Applicants on May 27, 1994 with the original application. A copy of the Offer to Surrender is enclosed. Accordingly, withdrawal of this rejection is requested. Upon notification by the Examiner that all outstanding issues have been resolved and that the instant application is in condition for allowance other than the submission of the original patent, applicants will surrender the original patent.

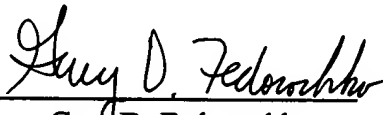
Applicants respectfully submit that the instant Office Action was not a proper final rejection, since the rejection pursuant to 37 CFR § 1.175(a)(5) was inapplicable and an Offer to Surrender had been previously filed. Accordingly, applicants respectfully request the Examiner to withdraw the finality of the Office Action and to make the next office action, non-final.

All rejections having been addressed, applicants believe that the present application is in condition for allowance, and respectfully solicit prompt notification of the same.

If any issues remain, applicants invite the Examiner to contact the undersigned at the number listed below in order to expeditiously resolve the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: 
Gary D. Fedorochko
Registration No. 35,509

Dated: April 28, 1999

1001 G Street, N.W., 11th Floor
Washington, D.C. 20001
(202) 508-9100